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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____)	
In re:)	Case No. 12-12020 (MG)
)	
Residential Capital, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
_____)	

**CLAIMANT LAW OFFICES OF DAVID J. STERN, P.A.'S,
FIRST SET OF INTERROGATORIES**

Claimant, Law Offices of David J. Stern, P.A. ("DJSPA"), pursuant to Fed. R. Civ. P. 33, as incorporated by Fed. R. Bankr. P. 7033, and Local Bankruptcy Rule 9014-1, hereby propounds the following interrogatories upon Rescap Liquidating Trust, as successor in interest to Debtor GMAC Mortgage, LLC, and requests that they be answered separately, fully and under oath within the time provided under the Federal Rules of Civil Procedure as incorporated by the Federal Rules of Bankruptcy Procedure.

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By: /s/ Spencer Tew

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing and the attached interrogatories were served via email and U.S. Mail this 29th day of June 2015, on all counsel on the attached service list.

/s/ Spencer Tew
Spencer Tew

SERVICE LIST

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Definitions and Instructions

1. Communication. The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

2. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term.

3. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

4. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).

5. Parties. As used herein, “you,” “your,” or “GMAC” refers to Debtor GMAC Mortgage, LLC, and any directors, officers, employees, agents, representatives and other persons

acting, or purporting to act, on behalf of Debtor GMAC Mortgage, LLC, as well as its affiliated and subsidiary companies, predecessors in interest and/or successors in interest.

The words “DJSPA” means Claimant the Law Offices of David J. Stern, P.A., and any directors, officers, employees, agents, representatives and other persons acting, or purporting to act, on behalf of the Law Offices of David J. Stern, P.A.

6. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.

7. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

8. All/any/each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.

9. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

10. Number. The use of the singular form of any word includes the plural and vice versa.

11. The term “District Court Action” as used herein shall mean the case entitled *The Law Offices of David J. Stern, P.A. v. GMAC Mortgage, LLC*, Case No. 11-61526-civ-COOKE, in the United States District Court for the Southern District of Florida.

12. The term “Complaint” shall mean the Complaint of the Law Offices of David J. Stern, P.A., at issue in the District Court Action.

13. The term “Affirmative Defenses” shall mean the Affirmative Defenses asserted by GMAC in its Answer and Affirmative Defenses to the Complaint in the District Court Action.

14. The term “Counterclaim” shall mean the Counterclaim filed by GMAC in the District Court Action.

15. The term “Objection” shall mean Rescap Liquidating Trust’s Objection to Proofs of Claim Nos. 5275 and 7464 [D.E. 8531] filed in the bankruptcy matter styled *In re Residential Capital, et al.*, Case No. 12-12020 (MG), Chapter 11, Jointly Administered, in the United States Bankruptcy Court for the Southern District of New York.

16. As to any document for which you claim a privilege for which a privilege log is required, please provide a privilege log by identifying the name of the document, its date, its author and all recipient(s), the general subject matter and the basis of your privilege claim.

17. Unless otherwise noted in a particular request, the time period covered by these requests is the period after November 1, 2009, through March 1, 2011.

Interrogatories

1. Identify the person or persons answering these interrogatories and each individual with whom such person consulted, upon whom such persons relied, or who otherwise constituted a source of information for you in connection with the preparation of your answers to these interrogatories, listed with respect to each person, which interrogatories he or she was consulted, relied upon, or otherwise constituted a source of information, along with such person's relationship with the party to whom these interrogatories are directed.

2. Identify the individual(s) at the law firm of Bradley Arant Boult Cummings, LP, with whom John W. Smith T., consulted and/or had discussions with, as referenced in Paragraphs 5 and 14 of the Declaration of John W. Smith T., which is attached as Exhibit 2-B of the Objection.

3. Identify the “former members of Debtors’ management or other former employees of the Debtors, the Liquidating Trust, its professionals and consultants” referenced in Paragraph 2 of the Declaration of David Cunningham, which is attached as Exhibit 2-A of the Objection.

4. Identify the Liquidating Trust personnel and professional advisors referenced in Paragraph 3 of the Declaration of David Cunningham, attached as Exhibit 2-A of the Objection.

5. Identify all individuals with knowledge relating to the contention set forth in Paragraph 12 of the Declaration of David Cunningham, attached as Exhibit 2-A of the Objection, that the “work provided by DJSPA was untimely and of very low quality,” and identify all documents and communications between you (or anyone acting on your behalf) and any other person and/or party, concerning such contention.

6. Identify (i) all individuals with knowledge relating to the contention set forth in Paragraph 19 of the Declaration of David Cunningham, attached as Exhibit 2-A of the Objection, that certain invoices for which DJSPA seeks payment were previously submitted by DJSPA and denied by GMAC, and (ii) each individual invoice which you contend was untimely, and all documents and communications concerning such contention.

7. Identify all individuals with knowledge relating to the contention set forth in Paragraph 21 of the Declaration of David Cunningham, attached as Exhibit 2-A of the Objection, that GMAC incurred timeline penalties which it had to pay to FNMA and FHLMC, and identify all documents and communications concerning such contention.

8. Describe in detail all “losses” for which GMAC claims it is entitled to a “set-off and/or to recoup monies” from DJSPA, and provide the method and calculations by which you have arrived at these amounts.

9. For each Count in the Counterclaim, state in detail all the damages for which GMAC seeks compensation (including, but not limited to, those damages listed at the end of each Count in the Counterclaim), and provide the method and calculations by which you have arrived at these amounts.

10. State whether you or your attorneys (or anyone else on your behalf) have obtained statements from any person concerning or relating to any matter alleged in DJSPA's Complaint and/or GMAC's Objection, Affirmative Defenses and Counterclaim. If so, please identify any documents that in any way reflect or relate to such statements and provide:

- a) The name and address of each such person from whom said statement was obtained;
- b) the name and address of the person who took such statement;
- c) whether such statement was written, oral or recorded;
- d) the location at which each statement was obtained; and
- e) the substance of such statement(s) with specificity.

VERIFICATION

State of)
) ss.
County of)

_____, being duly sworn, upon his or her oath, deposes and says: I
have read the said interrogatories, and the foregoing answers thereto are true and accurate.

By:_____

Name:_____

SWORN TO AND SUBSCRIBED BEFORE ME, this ____day of _____, 2015.

NOTARY PUBLIC, STATE OF _____

Print Name:_____

Commission Expires:_____